



City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
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COUNCIL AGENDA: September 27, 2005

TO: City Council

SUBJECT: Presentation by Steve Smith of SANBAG regarding local
jurisdiction requirements for fair share development contributions

LOCAL JURISDICTION REQUIREMENTS FOR FAIR SHARE DEVELOPMENT CONTRIBUTIONS

San Bernardino Associated Governments

BACKGROUND

San Bernardino County Voters approved Measure I, the half-cent sales tax for countywide transportation improvements, in November 2004. The Measure I Ordinance requires each jurisdiction in the urbanized areas of San Bernardino County to adopt a development mitigation program to address regional transportation needs. The Ordinance states that by November 2006, each jurisdiction in the San Bernardino Valley and Victor Valley must adopt a mechanism that:

- ▶ Requires all future development to pay its fair share for transportation facilities that are needed as a result of the new development; and
- ▶ Complies with the Land Use/Transportation Analysis and Deficiency Plan provisions of the Congestion Management Program (CMP) set by state law. SANBAG will update its CMP by November 2005.

PROGRAM OVERVIEW

SANBAG's development mitigation program ensures that new development pays its fair share for the construction of regional transportation infrastructure, including freeway interchanges, major streets and railroad grade separations. Local flexibility is a key component. The program does not include a uniform regional fee; instead, it allows each local jurisdiction to design its own approach to reach specified levels of fair share contributions from new development. Using a generally accepted methodology, SANBAG is setting a fair share requirement for each city, town or unincorporated area, and it is the responsibility of these municipalities to show how they will reach the required level of development contribution. This could involve development impact fees, community facilities districts or a range of other funding techniques that are based on contributions from new development.

Contributions are based on the CMP and the SANBAG Nexus Study:

- ▶ The updated CMP will specify how municipalities can meet the Measure I Ordinance fair share requirements. Jurisdictions that do not comply with the CMP development mitigation language risk loss of their Section 2105 gas tax dollars.
- ▶ Fair share contributions for specific projects are determined by a Nexus Study to be adopted by the SANBAG Board of Directors in Fall 2005. Staff members from each jurisdiction are taking part in the study by providing estimates of future growth, needed transportation infrastructure, and project costs. These figures are used to calculate fair share contributions. Projects not included in the Nexus Study are not eligible to receive Measure I 2010-2040 Valley Interchange funds, Valley Major Street funds or Victor Valley Major Local Highway funds.
- ▶ Each jurisdiction will establish its own fee levels or assessments for various types of development, such as residential, retail, industrial and others.
- ▶ When a jurisdiction requests from SANBAG any of the above Measure I funds for an interchange, major street project or grade separation, it must contribute at least its fair share percentage to the cost of the project.
- ▶ Cities and unincorporated county areas (known as spheres of influence) may be covered by a joint

program if agreements are reached between the city and county.

KEY BENEFITS

Local jurisdictions will realize several local benefits from the development mitigation program:

- ▶ Jurisdictions that have adopted a satisfactory process for collecting fair share development contributions no longer will be required to prepare CMP Traffic Impact Analysis reports. (Traffic studies still may be required for CEQA compliance and for local circulation purposes).
- ▶ Jurisdictions may build on existing development mitigation programs already in place by ensuring that regional projects are covered in those programs.
- ▶ Jurisdictions have substantial flexibility to meet the requirements according to their local needs.
- ▶ The development mitigation program is a fair, comprehensive way to improve the transportation network through a partnership between the development community and public agencies.

IMPORTANT DATES

Jurisdictions should take note of deadlines related to their development mitigation programs. Key dates include:

- ▶ November 2005 — SANBAG approval of its updated CMP, which will contain requirements for local jurisdictions
- ▶ November 2006 — City/town council and Board of Supervisors approval of local development mitigation programs designed to achieve SANBAG fair share requirements

SANBAG ASSISTANCE

SANBAG is available to help local jurisdictions in several ways:

- ▶ Staff can meet with city engineers, public works directors, planners or other local officials to offer advice about the development mitigation approach that works best for that jurisdiction.
- ▶ SANBAG representatives also can help with printed materials and presentations to elected officials about the implementation of a fair share approach.
- ▶ SANBAG staff can help with sample agenda items or other documents to secure approval of local programs by November 2006.